

REMARKS

By this amendment, claims 1-3, 6-11 and 15 have been cancelled, and the dependency of claims 4, 5 and 12 have been changed from claim 1 to claim 13, with claim 13 being the only remaining independent claim. These pending claims are presented for reconsideration in view of the following remarks.

Claim 13 was rejected under 35 U.S.C. §102(e) over Braley ('243). However, given that anticipation requires that a single prior-art reference disclose each and every element of an invention as claimed, anticipation is not available. *RCA v. Applied Digital Data Systems*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). In this case, the Examiner will note that claim 13 has always included the limitation of at least one vibration sensor, an aspect about which Braley is silent.

Even if the Examiner meant to reject claim 13 under 35 U.S.C. §103(a) over the Braley/Conrath combination, prima facie obviousness is not established, since there is no teaching or suggestion from the prior art to combine these references, and Applicant's invention as claimed did not result. Note that, in the case of Applicant's invention, activation of any of the sensors, including the vibration sensor, causes a relay to trip and turn the appliance off. Such is not the case with Conrath, which only adjusts speed. Moreover, Conrath is concerned only with vibration, whereas Braley is concerned only with water sensing and level sensing. For that matter, claim 13 includes the limitation of at least two water sensors, whereas Braley only has one. The other sensor, switch 18, is closed by the buoyancy of the water displaced by a rod 16 in a standpipe. (*See* column 3, lines 4-9+ of Braley). For all these reasons, claim 13 should be allowed.

While all of the remaining dependent claims depend from claim 13, they should be deemed allowable as well without further comment. Nevertheless, Applicant would like to address the Examiner's statement that since Conrath teaches "various types of vibration sensors can be utilized . . . the claimed type of vibration sensor is merely an obvious design expedient . . ." Moreover, the Examiner's attention is directed to claim 5, which sets forth a vibration sensor having a body with an adhesive or magnetic material enabling it to be attached to and oriented an appliance, a feature which all of the prior art is silent. The same holds true of claim 16, which includes the limitation of the second plug and second outlet being aligned on the same plug-in body, and claim 12, which sets forth transistors arranged in a Darlington configuration. These features are neither taught nor suggested from

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the prior art, such that these claims are clearly allowable.

Based on the foregoing amendments and comments, Applicant believes this case is in condition for allowance. Questions may be directed to the undersigned attorney at the telephone/facsimile numbers below to expedite prosecution.

Respectfully submitted,

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